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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/732,456	12/06/2000	Lujing Cai	60705-1510	1214

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EXAMINER

KIM, KEVIN

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 04/21/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/732,456

Applicant(s)

CAI ET AL.

Examiner

Kevin Y Kim

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 December 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-22 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 8-13, 15 and 16 is/are rejected.
- 7) ☒ Claim(s) 3-7, 14 and 17-19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                            | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,8-13,15,16 are rejected under 35 U.S.C. 102(e) as being anticipated by Cole (US 6,545,550).

Consider claim 1. Cole discloses a DSL modem that communicates a configuration message signal, including vendor identification information, to a corresponding DSL modem. Col., lines 53-56. It is inferred from this teaching that the digital signal processor and memory of the corresponding DSL modem will “selectively configure at least one system parameter” or “appropriately apply at least one operational algorithm” in response to the received vendor identification information because the vendor identification is part of a configuration message signal. Further, this teaching compels that the memory stores the system parameter in order to configure the modem according to the parameter during the training period. Furthermore, this configuration message is communicated during a training period, its purpose is “to optimize data communications” between the two modems.

Regarding claim 2, a pre-configured “operational algorithm” is required to the operation of a modem communication such as initialization, handshaking, error

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correction, etc. Such an algorithm is stored in a memory in the form of programmed instructions.

Regarding claims 8 and 10, as explained above, the corresponding modem, i.e., a modem at a remote end, reads on “a first modem configured to appropriately apply at least one system parameter” or “pre-configured with a set of system parameters” because it responds to a configuration message signal, including vendor identification information, received from the transmitting DSL modem. With respect to “a two-wire pair telephone line,” note that DSL modems have been developed to be connected to a POTS line to utilize an unused band over a voice channel of 3KHz. Regarding claims 9 and 11, because the modem would react differently in response to a received vendor information, it will apply “at least one operational algorithm” specific to the manufacturer information of the transmitting modem.

With respect to claim 12, the fact that a DSL modem that communicates a configuration message signal, including vendor identification information, to a corresponding DSL modem indicates that the corresponding modem comprises “a means for applying a default variable identifying the manufacturer of a communicatively coupled remote DSL modem.” Also it follows that the corresponding modem has a means for “selectively applying at least one system parameter” in response to the received manufacturer information. Regarding claim 13, because the modem would react differently in response to a received vendor information, it will apply “at least one operational algorithm” specific to the manufacturer information of the transmitting modem. Regarding claim 15, it can be inferred that a configuration corresponding a configuration message signal is stored in the memory of the receiving DSL modem.

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Regarding claim 16, that the receiving modem receives a vender information of a transmitting modem indicates that it will respond differently to different vender information. Thus, different vender information should have been stored in the form of a table in a memory.

***Allowable Subject Matter***

3. Claims 3-7,14,17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 20-22 are allowed.

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Johnson et al (US 6,047,025) shows a typical configuration of a DSL modem. Fig.2.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y Kim whose telephone number is 703-305-4082. The examiner can normally be reached on 8AM --5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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